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Docket No.: 10690/1683

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :  
Berend HOUWEN, *et al.*

Serial No. 09/058,323

Filed: April 9, 1998

For: **PROCESS FOR DISCRIMINATING  
AND COUNTING ERYTHROBLASTS**

)  
) Examiner: Gailene R. Gabel  
) Art Unit: 1641  
)

New York, New York  
August 21, 2001

**PRELIMINARY AMENDMENT AND REQUEST FOR  
ONE MONTH EXTENSION OF TIME**

Commissioner for Patents  
Washington, DC 20231

Sir:

This Preliminary Amendment is filed concurrently with a Continued Prosecution Application (CPA) under 37 C.F.R. §1.53(d). Applicants respectfully request a one-month extension of time to file under 37 C.F.R. §1.136 and submits herewith the requisite fee of \$110.00.

The Preliminary Amendment and CPA are submitted in response to the Examiner's rejections made "final" in an Office Action dated January 17, 2001. On April 16, 2001, Applicants filed a Rule 116 Response to the Final Office Action. On May 16, 2001, Applicants filed a Notice of Appeal, providing the appropriate petition for one-month extension

and requisite fees, along with a post card listing the foregoing submissions and bearing Applicants' return address and postage. Applicants received the return post card bearing a mail stamp date from the Patent and Trademark Office of May 21, 2001.

As such, Applicants' two month period for filing an appeal brief expired on July 21, 2001. 37 C.F.R. §1.192(a); MPEP §1206. Applicants, therefore, submit that the Preliminary Amendment is timely upon mailing with an executed Certificate of Express Mailing, and a request for one month extension of time to file, on or before August 21, 2001. 37 C.F.R. §§1.10, 1.115 and 1.134.

It is not believed that this response occasions any additional fees but should there be any such fees, or if our checks are missing or otherwise insufficient, please charge the deficiencies to Deposit Account No. 02-4467.

Applicants respectfully request that the above-identified application be amended as follows:

\* \* \*

Please amend the application as follows:

**IN THE CLAIMS:**

In accordance with amendment practice pursuant to Rule 1.12(c)(1)(i), presented below is a "clean" set of "rewritten claims." A "marked-up" version of this claim is attached hereto pursuant to Rule 1.121(c)(1)(ii).

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13. The method according to claim 4 wherein the osmolarity of the mixture is from about 400 mOsm/Kg.H<sub>2</sub>O to about 600 mOsm/Kg.H<sub>2</sub>O.
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